

REMARKS

Claims 1-6, 9-13, and 16-97 are canceled without prejudice. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the subject matter of the canceled claims. Applicants do not hereby abandon or waive any rights in the inventions as claimed in the canceled claims.

Claim 8, which depends on Claim 7, is amended to remove the redundant recitation of SEQ ID NO: 42, which is already claimed in Claim 7.

Claim 14 is amended to correct two obvious typographical errors. The term "gp1" is corrected to "gp41" and "D-amino acid" is corrected to "L-amino acid". Support for these amendments can be found throughout the specification, for example at page 5, lines 6-10 and page 42, lines 17-24.

Claim 14 is further amended to insert a sequence identifier (SEQ ID NO: 42), as appropriate. Support for this amendment can be found in the specification, for example at page 42, lines 19-24.

Claims 98-100 are added. Support for these claims is found in Claim 8 as originally filed.

Claims 101-103 are also added. Support for these claims is found in Claim 15 as originally filed.

No new matter is added.

Allowable Subject Matter

Applicants thank the Examiner for her careful reading of the specification and for the indication that Claims 7, 8, 14 and 15 are allowable over the prior art of record. As noted above, Applicants have canceled Claims 1-6, 9-13, and 16-97.

Applicants note that Claims 6 and 13, which are directed to a D-peptide and an L-peptide of IQN17 (SEQ ID NO: 2), respectively, should also have been deemed as allowable. SEQ ID NO: 2 is a combination of the amino acid sequences of SEQ ID NOS: 25 and 20 (see, e.g., specification page 5, line 29 through page 6, line 7). A D-peptide or an L-peptide comprising SEQ ID NOS: 25 and 20 is claimed in Claims 8 and 15, respectively, which are allowable. Thus, Claims 6 and 13 should have been included in the Examiner's statement of Allowable Subject Matter. (Office Action, page 2)

Claim Objections

Claim 14 is objected to for the informality of a spelling error. As noted above, applicants have amended the claim to correctly recite "HIV gp41".

Rejection of Claims 1-6, 10-13 and 38 Under 35 U.S.C. § 112, First Paragraph

Claims 1-6, 10-13 and 38 are rejected under 35 U.S.C. § 112, first paragraph, as "containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention (lack of written description)" (Office Action, page 3).

Applicants respectfully disagree. However, in view of Applicants' cancellation of Claims 1-6, 10-13 and 38, the rejection is moot.

Rejection of Claims 1-6, 10-13 and 38 Under 35 U.S.C. § 112, First Paragraph

Claims 1-6, 10-13 and 38 are rejected under 35 U.S.C. § 112, first paragraph because "the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the presently claimed scope of possible receptor peptide compounds" (Office Action, page 6).

Applicants respectfully disagree. However, in view of Applicants' cancellation of Claims 1-6, 10-13 and 38, the rejection is moot.

Rejection of Claims 1, 3, 10, 11 and 38 Under 35 U.S.C. § 102(b)

Claims 1, 3, 10, 11 and 38 are rejected under 35 U.S.C. § 102(b) as being "anticipated by Weissenhorn et al. PNAS USA Vol. 94 pages 6065-6069 (June 1997)" (Office Action, page 10).

Applicants respectfully disagree. However, as noted above, Applicants have canceled Claims 1, 3, 10, 11 and 38. Thus, the rejection is moot.

Rejection of Claims 1 and 10 Under 35 U.S.C. § 102(e)

Claims 1 and 10 are rejected under 35 U.S.C. § 102(e) as being "anticipated by Chan et al. US Pat. No. 6,150,088" (Office action, page 10).

Applicants respectfully disagree. However, as noted above, Claims 1 and 10 are canceled. Thus, the rejection is moot.

Rejection of Claims 1, 2 and 10 Under 35 U.S.C. § 103(a)

Claims 1, 2 and 10 are rejected under 35 U.S.C. § 103(a) as being “unpatentable over Chan et al. US Pat. No. 6,150,088 (11/2000) and Schumacher et al. US Pat. No. 5,780,221 (7/98: filed 3/96)” (Office Action, page 11).

Applicants respectfully disagree. However, in view of Applicants’ cancellation of Claims 1, 2 and 10, the rejection is moot.

Fourth Supplemental Information Disclosure Statement

A Fourth Supplemental Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne J. Collins
Anne J. Collins
Registration No. 40,564
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

July 12, 2004